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6 Attorneys for Defendant
7 CBC Settlement Funding, LLC

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9 **UNITED STATES DISTRICT COURT**
10 **CENTRAL DISTRICT OF CALIFORNIA, EASTERN DIVISION**

11 CODY PATTON

12 Plaintiff,

13 vs.

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15 CBC SETTLEMENT FUNDING, LLC;
16 and DOES 1 through 10 inclusive,

17 Defendant
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CASE NO.: 5:22-cv-1597

NOTICE OF REMOVAL

1 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

2 PLEASE TAKE NOTICE that Defendant CBC Settlement Funding, LLC
3 (“Defendant”) hereby removes to this Court the state court action described below.

4 1. On July 29, 2022, a Complaint was filed against Defendant by
5 Plaintiff Cody Patton (“Plaintiff”), in the Superior Court of the State of California
6 in and for the County of Riverside, in an action styled as *Cody Patton v. CBC*
7 *Settlement Funding, LLC*, Case No. CVPS2203003. The Complaint attempts to
8 assert causes of action for violation of the Telephone Consumer Protection Act,
9 47 U.S.C. § 227 *et seq.* (“TCPA”) and for invasion of privacy. A copy of the
10 complaint is attached hereto as **Exhibit A**. The summons and all other documents
11 that were served on CBC or that CBC obtained from the state court file are
12 attached hereto as **Exhibits B** through **D**.

13 2. This removal petition is timely under 28 U.S.C. § 1446(b) because
14 Defendant was served with the Complaint on August 11, 2022, as reflected on the
15 Service of Process Transmittal attached hereto as **Exhibit E**.

16 **JURISDICTION**


17 3. This action is a civil action of which this Court has original
18 jurisdiction under 28 U.S.C. § 1331 and that may be removed to this Court by CBC
19 pursuant to the provisions of 28 U.S.C. § 1441(a), because this case arises under
20 federal law, specifically 47 U.S.C. § 227, *et seq.* See Ex. A (Complaint, ¶¶ 1, 16-
21 20).

22 4. The Complaint was filed in the Superior Court of the State of
23 California, County of Riverside. Venue in the Central District, Eastern Division of
24 this Court is proper. See 28 U.S.C. § 1441(a) (providing for removal “to the
25 district court of the United States for the district and division embracing the place”
26 where the state court action is pending); *id.* § 84(c)(1) (“The Central District
27 comprises the 3 divisions (1) The Eastern Division comprises the counties of
28 Riverside, . . .”).

1 5. Defendant is represented by the undersigned.

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3 DATED: September 9, 2022

SIMMONDS & NARITA LLP
TOMIO B. NARITA
DOMINIC J. LUCA

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7 By: 
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9 Dominic J. Luca
10 Attorneys for Defendant
11 CBC Settlement Funding, LLC
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